



TOWN OF AMENIA

4988 Route 22, AMENIA, NY 12501
TEL: 845-373-8860, x118 FAX: 845-373-9147

TOWN OF AMENIA
RECEIVED

JUL 30 REC'D

TOWN OF AMENIA PLANNING BOARD

TOWN CLERK

Resolution #12 for 2015

July 29, 2015

Resolution Approving Site Plans for Phase 1 of the Silo Ridge Field Club

WHEREAS, in 2005, Higher Ground Country Club, LLC ("HGCC") proposed the development of a resort community on 670+/- acres located west of NYS Route 22 and north and south of US Route 44 in the Town of Amenia identified as parcel numbers 7066-00-732810, 7066-00-860725, 7066-00-742300, 7066-00-670717, 7067-00-709177 and 7066-00-628131 on the Town of Amenia Tax Map (the "Original Project Site"). The Original Project Site was previously developed with a 170 acre 18-hole championship golf course and clubhouse; and

WHEREAS, the proposed development consisted of the following elements, among other things: condominiums, single-family homes, a resort hotel/lodge, a "winery-themed" restaurant, retail uses, water and waste water treatment facilities, a renovated golf course and a new clubhouse (the "Original Project"). The Original Project was named the Silo Ridge Resort Community; and

WHEREAS, under the Town of Amenia Zoning Code (the "Zoning Code"), the Original Project Site is located in the Resort Development Overlay ("RDO") Zoning District. The purpose of the RDO is to provide use and design flexibility to encourage resort development on appropriate large properties where such development fits into the rural character of the Town and protects its scenic, historic and environmental resources. The RDO provides a procedure for master planned development of properties over 200 acres to promote tourism, recreation and open space protection. In exchange for granting permission for using flexibility and more intensive development than normally allowed in the Town, the RDO seeks to achieve significant protection of open space resources, especially scenic views, ridgelines, water resources and ecosystems; and

WHEREAS, pursuant to Section 121-18(C)(3) of the Zoning Code, because uses other than those allowed in the Rural Agricultural ("RA") Zoning District were proposed, a special permit/master development plan approval was required; and

WHEREAS, on January 9, 2009, after completing a Final Environmental Impact Statement ("FEIS"), the Planning Board adopted a comprehensive Findings Statement for the Original Project under the State Environmental Quality Review Act ("SEQRA") (the "2009 SEQRA Findings"); and

WHEREAS, on June 25, 2009, the Planning Board issued a Special Permit and Master Development Plan Approval (the "Original Approval") and related Findings Statement for the Original Project; and

WHEREAS, on February 4, 2010, the Planning Board renewed the Original Approval until June 25, 2011 pursuant Section 121-62 of the Zoning Code; and

WHEREAS, on March 3, 2011, the Planning Board further renewed the Original Approval until June 25, 2013 pursuant Section 121-62 of the Zoning Code; and

WHEREAS, in June 2013, the Planning Board further renewed the Original Approval for the Project until June 25, 2015 pursuant to Section 121-62 of the Zoning Code; and

WHEREAS, in October 2013, Silo Ridge Ventures, LLC (the "Applicant"), the successor to HGCC, submitted applications to the Planning Board seeking to modify the Original Project and redevelop the Original Project Site as a mixed-use resort community including, among other things, 52 attached condominiums, 159 single-family detached homes on separate lots, 13 townhomes on separate lots, 21 hotel-condominium lodging units, a winery-themed restaurant, an 18-hole golf course, a clubhouse/lodge (with restaurant, bar/lounge and golf pro shop), family activity barn and lake pavilion, fitness spa, yoga center, golf academy, sales center and general store, village green, an "Artisan's Park Overlook," water and waste water plants, recreational and open space amenities and related improvements to be owned and maintained by one or more homeowner's associations and condominium associations (the "Modified Project"). The Modified Project was renamed the Silo Ridge Field Club; and

WHEREAS, the Modified Project is proposed to be developed on the Original Project Site and a portion of an adjoining tax parcel 7066-00-870350 owned by the Harlem Valley Landfill Corp. ("HVLC Property") and located in the Office/Commercial/Industry Mixed-Use District ("OC District") of the Town of Amenia (the "Modified Project Site"); and

WHEREAS, in connection with the Modified Project, the Applicant applied to the Planning Board for, among other things: (1) an amended Special Permit/Master Development Plan approval pursuant to Section 121-18(C)(3) of the Zoning Code; (2) Special Permit approvals for the golf maintenance facility, golf course improvements and waste water treatment plant to be located on a portion of the HVLC Property in the OC Zoning District pursuant to Section 121-10(B) of the Zoning Code; (3) a Site Plan approval for the first phase of the Modified Project including the golf maintenance facility, golf course improvements and waste water treatment plant ("WWTP") to be located on a portion of the HVLC Property; (4) a Preliminary Subdivision approval and lot line adjustments to incorporate a portion of the HVLC

Property pursuant to Chapter 105 (the "Subdivision Law") of the Town Code; (5) Special Permit approval for storage at the golf maintenance facility of more than 500 pounds of fertilizers and pesticides/herbicides pursuant to Town Code 121-15(E)(1); and (6) certain waivers and supplementary approvals under the Town's Zoning Code and Subdivision Law (collectively the "Applications"); and

WHEREAS, as part of the Applications, the Applicant also submitted, among other things, an Amended Master Development Plan narrative with amended drawings and plans (the "Amended MDP"); detailed site plans for Phase 1 of the Modified Project (collectively, the "Site Plan"); and detailed preliminary subdivision plans; and

WHEREAS, as noted above, the majority of the Modified Project Site is located in the RDO District and the remainder (approximately 15 acres) is located in the OC District. In addition, portions of the Modified Project Site are also located in the Scenic Protection Overlay ("SPO") District, Stream Corridor Overlay ("SCO") District, and Aquifer Overlay District ("AQD"); and

WHEREAS, pursuant to Section 121-18 of the Zoning Code, a site plan must be reviewed as part of any special permit issued for a master development plan proposed in the RDO District; and

WHEREAS, pursuant to Article IX of the Zoning Code, a site plan must be reviewed as part of any special permit required for uses in the OC District; and

WHEREAS, pursuant to Section 121-14.E(1)(b)(3) of the Zoning Code, site plan approval shall be required for any development within the SCO District, if within any one-year period grading or other alteration of the natural landscape will occur. The Modified Project will involve approximately 7.34± acres of grading within the SCO District along Amenias/Cascade Brook including activities related to stream bank and flood plain restoration; and

WHEREAS, pursuant to Section 121-14.1(D) of the Zoning Code, site plan approval is also required for the construction of structures, filing, excavation, grading and cutting trees within the SPO District. As part of the Modified Project, these activities will occur within the SPO District; and

WHEREAS, the Modified Project is considered a "major project" under the Zoning Code because it exceeds the thresholds set forth in Section 121-60(C)(1) of the Zoning Code; and

WHEREAS, the Planning Board has followed the procedures for reviewing and processing the Modified Project as a major project under the Zoning Code; and

WHEREAS, on March 25, 2014, the Planning Board circulated a full Environmental Assessment Form ("EAF") to all involved agencies. On May 15, 2014, the Planning Board designated itself as Lead Agency under SEQRA for review of the Applications; and

WHEREAS, as part of the Applications, the Applicant submitted an Addendum to the EAF containing numerous detailed and thorough plans, reports, studies and other documents evaluating the Modified Project's potential impacts on the following environmental topics, among others: soils and geology, water resources, cultural resources, transportation, land use and zoning, HVLC Property, water and waste water, stormwater, aesthetic resources, fiscal resources, fire safety, local and regional plan consistency, floodplains, vegetation and wildlife (collectively, the "Supplemental SEQRA Materials"); and

WHEREAS, the Planning Board, with the assistance of its technical and legal consultants, engaged in a detailed review of the Applications (including all materials submitted by the Applicant in support of the Applications) and all Supplemental SEQRA Materials over the past two years; and

WHEREAS, on August 21, 2014, the Planning Board determined the Applications complete for purposes of public review and caused the Applications and Supplemental SEQRA Materials to be available at the Town Hall, Amenia Public Library and posted to a website linked to the Town's official website; and

WHEREAS, on September 4, 2014 and September 18, 2014, the Planning Board held public hearings on the Applications and Supplemental SEQRA Materials. The Planning Board continued the public hearing to allow the Applicant to revise the Applications and Supplemental SEQRA Material in response to comments from the Planning Board, its consultants and the public; and

WHEREAS, the Applicant submitted revised Applications and revised Supplemental SEQRA Material to the Planning Board for its consideration. The Applicant also submitted their responses, in writing, to all substantive comments received from the Planning Board, its consultants and the public during the public hearing period; and

WHEREAS, the Applicant has submitted a Phasing Plan dated February 25, 2015, which provides that the first phase (known as "Phase Zero") will be constructed in Years 1 and 2, and will include modification of the existing golf course including the driving range, and installation of related infrastructure. The second phase (known as Phase 1) will be constructed during Years 2 to 6, and will include construction of the WWTP and conveyance system, the water supply and distribution system, and treatment facility, the Clubhouse, the Village Green neighborhood condominiums and townhomes, the Golf Villa neighborhood, the South Lawn neighborhood single-family homes, the Estate Homes neighborhood single-family homes, the Sales Center and General Store, the Artisan's Park Overlook, amenity buildings, and related infrastructure. The third phase (known as Phase 2) is planned for Years 6 to 8, and will include construction of the Vineyard Cottages, a pool and cabana for residents of the Vineyard Cottages, a winery-themed restaurant, and related infrastructure. A detailed phasing plan is contained in Drawing SP-5 of the plans accompanying the Amended MDP text; and

WHEREAS, the Applicant also made numerous revisions to the Site Plan and submitted revised plans entitled "Silo Ridge Resort Community Phase 1 Site Plans" prepared by VHB Engineering, Surveying & Landscape Architecture, P.C. ("VHB") dated March 3, 2014 (last revised January 8, 2015) (the "Revised Site Plans"); and

WHEREAS, on April 8, 2015, the Planning Board determined the revised Applications and revised Supplemental SEQRA Material to be complete for purposes of public review and scheduled a continuation of the public hearing for April 28, 2015. On April 9, 2015, the Applicant submitted a letter to the Planning Board requesting that the public hearing be rescheduled to May 5, 2015, to provide the Planning Board and the public additional time to review the revised Applications; and

WHEREAS, the Planning Board referred a full statement of the Applications to the Dutchess County Planning Department as required by NYS Town Law and Section 239-m of the NYS General Municipal Law. The Dutchess County Department of Planning issued a report which determined that the Applications are a matter of local concern, and provided comments supporting the Applications, as had been revised by the Applicant; and

WHEREAS, on May 5, 2015, the Planning Board held, and closed, the final public hearing on the revised Applications and revised Supplemental SEQRA Material; and

WHEREAS, the Planning Board has also considered written comments on the Modified Project from a variety of involved and interested agencies including, but not limited to, the New York State Department of Transportation, the New York State Department of Environmental Conservation, the Dutchess County Department of Planning, the Dutchess County Department of Health, the Amenia Fire Department, the Wassaic Fire Department, the Town of Amenia Code Enforcement Officer, U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers, and Dutchess Land Conservancy, among others; and

WHEREAS, Section 121-62(G)(1) of the Zoning Code requires the Planning Board to make a decision on the revised Applications within 62 days after the public hearing. On June 29, 2015, the Applicant agreed to extend the deadline for the Planning Board to make its decision until July 31, 2015; and

WHEREAS, on July 29, 2015, the Planning Board adopted an Amended and Restated Findings Statement (with mitigation measures) for the Modified Project under SEQRA (the "2015 Amended SEQRA Findings"); and

WHEREAS, Sections 121-20(A)(4) and 121-18(C)(2) of the Zoning Code require the Planning Board to prepare a conservation analysis to determine which land on the Modified Project Site has the most conservation value and should be protected from development by a conservation easement. With the assistance of its ecological consultant, the Planning Board has prepared conservation findings for the Modified Project and such findings have been attached and incorporated into the 2015 Amended SEQRA Findings. Based on these findings, a conservation easement has been prepared to protect no less than 80% of the overall Modified Project Site; and

WHEREAS, pursuant to Section 121-65(C) of the Zoning Code and Section 274-a(5) of the New York State Town Law, the Planning Board may waive the submission of site plan information as it deems appropriate to the application; and

WHEREAS, the Planning Board has reviewed the memorandum prepared by the Applicant's legal counsel, DelBello Donnellan Weingarten Wise & Weiderkehr LLP, dated February 5, 2015 (last revised July 29, 2015) which sets forth a list of proposed site plan waivers and supplementary approvals and justifications for each (the "Waiver Memorandum") related to the Modified Project. This Waiver Memorandum is attached hereto as Exhibit A; and

WHEREAS, the Planning Board has determined that the Modified Project requested in the Applications will, subject to the issuance of the waivers and supplementary approvals identified in the Waiver Memorandum, comply with all zoning district, overlay district, and other specific requirements of the Zoning Code and other chapters and regulations of the Town Code, and will be consistent with the purposes of the Zoning Code and the RDO, SCO, SPO, AQD and OC Zoning Districts; and

WHEREAS, as discussed in the 2015 Amended SEQRA Findings, the Planning Board has determined that the Modified Project complies with the requirements for disturbing steep slopes as set forth in Section 121-36 of the Zoning Code; and

WHEREAS, the Planning Board has determined that the Modified Project requested in the revised Applications will comply with the applicable site plan criteria in Section 121-65(D) of the Zoning Code and will not adversely affect neighboring properties.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 121-65(C) of the Zoning Code, the Planning Board hereby grants the waivers and supplementary approvals set forth in the Waiver Memorandum attached hereto as Exhibit A, except for the proposed waivers of subdivision requirements, which are addressed in the Preliminary Subdivision Approval for the Modified Project issued by the Planning Board on July 29, 2015; and

BE IT FURTHER RESOLVED, that pursuant to Sections 121-14 and 121-14.1 of the Zoning Code, the Planning Board hereby incorporates by reference the 2015 Amended SEQRA Findings which demonstrates the Modified Project's compliance with the standards for the SCO and SPO Overlay Districts; and

BE IT FURTHER RESOLVED, that in accordance with Sections 121-18 and 121-65 of the Zoning Code, the Planning Board hereby approves the Site Plan for Phase 1 of the Modified Project entitled "Silo Ridge Resort Community Phase 1 Site Plans" prepared by VHB Engineering, Surveying & Landscape Architecture, P.C. ("VHB") dated March 3, 2014 (last revised January 8, 2015) consisting of the following drawings and plans:

<u>Number</u>	<u>Drawing Title</u>	<u>Issue Date</u>
C1.01	Legend and General Notes	1/8/2015
C.200	Overall Existing Conditions Plan	1/8/2015
C2.01-C2.11	Existing Conditions Plan	1/8/2015

C2.21	Overall Zoning Overlay Plan	1/8/2015
C3.00	Overall Demolition Plan	1/8/2015
C3.01-C3.11	Demolition Plans	1/8/2015
C3.21	Demolition Plan – Tree Removal Table	1/8/2015
C4.00	Overall Site Layout Plan	1/8/2015
C4.01-C4.15	Site Layout Plans	1/8/2015
C4.16	Road Geometry Table	1/8/2015
C4.21-C4.28	Road Profiles	1/8/2015
C5.00	Overall Traffic Circulation and Signage Plan	1/8/2015
C5.01-C5.08	Traffic Circulation and Signage Plan	1/8/2015
C6.00	Overall Grading and Drainage Plan	1/8/2015
C6.01-C6.14	Grading and Drainage Plans	1/8/2015
C6.21-C6.31	Drainage Profiles	1/8/2015
C6.41-C6.45	Retaining Wall Cross Sections	1/8/2015
C7.01-C7.13	Water System Plans	1/8/2015
C7.21-C7.30	Water System Profiles	1/8/2015
C8.01-C8.12	Water System Details	1/8/2015
C9.01-C9.13	Wastewater System Plan	1/8/2015
C9.21-C9.35	Wastewater System Profiles	1/8/2015
C10.01-C10.05	Wastewater System Details	1/8/2015
C11.00	Overall Stormwater Management Facility Plan	1/8/2015
C12.00	Overall Erosion and Sediment Control Plan	1/8/2015
C12.01-C12.11	Erosion and Sediment Control Plans	1/8/2015
C12.12	Overall Temporary Sediment Basin Plan	1/8/2015
C12.13-C12.15	Temporary Sediment Basin Plans	1/8/2015
C13.01	Construction Sequencing Notes	1/8/2015
C13.02-C13.04	Construction Sequencing Plan	1/8/2015
C14.01-C14.07	Civil Site Details	1/8/2015
A1.01	Village Core Key Plan	1/8/2015
A3.01-A3.05	Amenity Building Elevations	1/8/2015
A3.10-A3.18	Single Family Residential Elevations	1/8/2015
A3.20-A3.23	Condominium Elevations	1/8/2015
A3.31-A3.33	Townhouse Elevations	1/8/2015
A3.40	Parking Barn Elevations	1/8/2015
A3.41	Maintenance Facility Building Elevations	1/8/2015
A3.42	Waste Water Treatment Building Elevations	1/8/2015
A3.43	Water Treatment Building Elevations	1/8/2015
L0.00	Index Sheet	1/8/2015
L1.12-L1.14	Materials Plan – Enlargements	1/8/2015
L1.20	Materials Schedule	1/8/2015
L2.20	Site Sections	1/8/2015
L3.01-L3.11	Planting Plans	1/8/2015
L3.12-L3.14	Planting Plan Enlargements	1/8/2015
L3.20	Off Site Screening Improvements	1/8/2015
L3.21-L3.22	Planting Schedules	1/8/2015
L3.31-L3.34	Typical Single Family Residential Lots	1/8/2015

L4.01-L4.03	Site Details	1/8/2015
L5.01	Planting Details	1/8/2015
P1.01-P1.03	Parking Plans	1/8/2015
S1.01	Site Retaining Walls Sections and Details	1/8/2015
SL1.00-SL1.09	Lighting Plans	1/8/2015

BE IT FURTHER RESOLVED, that pursuant to Section 121-66(F)(2) of the Zoning Code and Section 274-a(4) of the New York State Town Law, the Planning Board imposes the following conditions on the Site Plan approval granted by this resolution:

- A. The Applicant must satisfy the following conditions prior to endorsement of the final Site Plan by the Planning Board Chairman:
 1. The Applicant shall submit final landscaping plans containing the following modifications and/or revisions for the Planning Board's approval:
 - a. Drawing C3.21 shall include the trees missing from the table;
 - b. Drawing C3.02 shall identify the areas along US Route 44 on DeLavernne Hill where all vegetation (including trees and brush) will be removed to open up views from this important vantage point;
 - c. Drawings L3.02 and L3.14 shall remove the proposed trees located in the future site of the winery restaurant;
 - d. Landscape plans shall include any trees and shrubs missing from the golf course; and
 - e. Add a note stating that all landscaping approved on the final Site Plan shall be maintained for at least 2 full growing seasons and that any dead or dying landscaping during that period shall be promptly replaced by the Applicant.
 - f. Provide a map using aerial photo as a base image to show the areas to be cleared of vegetation along the hairpin turn at US Route 44.
 2. The Applicant shall submit final plans containing the following modifications and/or revisions for the Planning Board's approval:
 - a. Any revisions to the Site Plan required by the Planning Board's consultants including revisions that may be noted in the following comment memos sent to the Planning Board: Whiteman Osterman & Hanna, LLP dated April 22, 2015; Rohde, Soyka & Andrews dated October 28, 2014; Rohde Soyka & Andrews dated April 22, 2015; Mary Ann Johnson, AICP dated April 21, 2015; George M. Janes & Associates dated April 20, 2015; and Michael

Klemens, Ph.D dated April 15, 2015. The Applicant shall also address all of these comment letters to the Planning Board's satisfaction.

- b. Any revisions to the Site Plan required by any other involved agencies issuing permits and/or approvals for the Modified Project.
 - c. Final site plans for the gun safety wall along the border of Amenia Fish & Game Club property. In the alternative, the Applicant shall submit a valid contract with the Amenia Fish & Game Club pursuant to which an underground range shall be constructed, and outdoor shooting is limited to .22 caliber rim fire ammunition and only within the existing the 50 yard range. The underground range must be approved by the Planning Board. The Applicant shall provide proof satisfactory to the Planning Board that the continued use of the existing 50-yard range will not adversely affect the safety of people using the Modified Project Site. The Planning Board reserves the right to require further modifications and/or revisions to the final site plans to mitigate any public safety issues related to the gun club.
 - d. Any revisions to the Site Plan to address requirements of the NYS Fire Code as discussed with the NYS Division of Building Standards and Codes at a meeting on June 25, 2015.
 - e. Update all of the phasing plans for the Modified Project and the master Stormwater Pollution Prevention Plan for the Modified Project (the "SWPPP") to match the Phase 1 sub-phasing plans for bonding of improvements.
 - f. Show on the Site Plan the base flood elevation for the 100-year floodplain.
 - g. Show on the Site Plan the conceptual utility line locations for telephone, cable and electric lines.
3. The Planning Board reserves the right to require further modifications and/or revisions to the final Site Plans after reviewing final plans and drawings, provided that such modifications and/or revisions shall not be inconsistent with the 2015 Amended SEQRA Findings and the approved Amended MDP.
4. The Planning Board shall prepare a final Field Change Protocol for the Modified Project to address public comments on the protocol submitted after the public hearing.
5. The Applicant shall provide the following final permits/approvals to the Planning Board:
- (a) Approval for the Silo Ridge Sewage Works Corporation from the Town of Amenia Town Board (the "Town Board") and the Dutchess County Health Department, as required by the New York Transportation Corporations Law.

- (b) Approval for the Silo Ridge Water Works Corporation from the Town Board, the Town of Amenia Highway Superintendent, and the Dutchess County Health Department, as required by the New York Transportation Corporations Law.
 - (c) Town of Amenia Floodplain Development Permit for work in the floodplain.
 - (d) The following permits from the NYS Department of Environmental Conservation ("NYSDEC"): (i) coverage under General SPDES Permit For Stormwater Discharges from Construction Activity including any 5-acre waiver(s) required for the Modified Project; (ii) Individual SPDES Permit to discharge treated waste water from the WWTP to the Amenia/Cascade Brook; (iii) Protection of Waters Permit to conduct work within 50' of Amenia/Cascade Brook, a protected stream, (iv) Freshwater Wetlands Permit; (v) Section 401 Water Quality Certification, and (vi) Water Supply Permit.
 - (e) Work Permits and/or Use and Occupancy Permits from the NYS Department of Transportation ("NYSDOT") to, among other things: (i) install storm water pipes in the right-of-way of NYS Route 22 in connection with the golf maintenance building and WWTP; (ii) install a left turn lane at the main entrance for the Modified Project; (iii) install any water and waste water pipes under US Route 44; (iv) install drainage improvements and grading in right-of-way of US Route 44 near the hairpin turn; (v) install any other utilities crossing US Route 44; (vi) install "Scenic Overlook" signage on US Route 44 for the Artisan's Park Overlook; (vii) rebuild and resurface the driveway into Artisan's Park Overlook; (viii) tree and vegetation removal on US Route 44 along the hairpin turn to open up views; (ix) cut vegetation in the sight triangle on NYS Route 22 for the main and secondary entrances for the Modified Project; (x) rebuild and resurface the main entrance drive for the Modified Project onto NYS Route 22; (xi) transplant trees in ROW of NYS Route 22; and (xii) temporary construction entrances.
 - (f) Approval of plans for the community water supply improvements by the New York State Department of Health and Dutchess County Department of Health.
 - (g) Town Board approval of the public access easement for Artisan's Park Overlook and recording the easement in the Dutchess County Clerk's Office.
 - (h) Town Board approval of performance and reclamation bonds.
6. The public access easement for Artisan's Park Overlook shall not be subordinate to the conservation easement, any mortgage or lien or other real property interest. The Applicant shall provide proof of same to the Planning Board prior to recording the public access easement.
 7. The Applicant shall submit the final draft forms of deeds for the fee simple lots and condominium units to the Planning Board for review and approval to ensure reference is made to the conservation easement.
 8. The Applicant shall submit the final draft form of deed for the Estate Home lots showing the deed covenant requiring each lot owner to implement the Stormwater

Management Plan (including the Operational and Maintenance Plan) as called for in the Design Standards for Estate Homes contained in the approved Amended MDP.

9. The Applicant shall pay any outstanding invoices of the Planning Board's consultants incurred in connection with reviewing and processing the Applications related to the Modified Project.
 10. Pursuant to Section 121-68(A) of the Zoning Code, within six (6) months of this approval all final site plans shall be resubmitted to the Planning Board for stamping and signing by the Chairman of the Planning Board. The final plans shall further incorporate any revisions or modifications required by this resolution or any other involved agencies issuing permits and/or approvals for the Modified Project. The final plans shall also include the information required by Section 121-68(A)(1) through (5) of the Zoning Code, as applicable.
- B. Except as noted below, the Applicant must satisfy the following conditions prior to issuance of the first building permit related to construction of the Modified Project:
1. Obtain the signature of the Chairman of the Planning Board on the final Site Plan.
 2. The Applicant shall remove all vegetation (including trees and brush) along US Route 44 on DeLavernge Hill as depicted in the final Site Plan to open up views. The Applicant shall also apply for all applicable permits and/or approvals from the NYSDOT to remove any vegetation in the right-of-way along US Route 44 to implement this condition. If such permits and/or approvals are granted, the Applicant shall promptly remove such vegetation.
 3. The Applicant shall demonstrate that all unnecessary utility easements on the Modified Project Site have been terminated by the easement holders or abandoned.
 4. The Applicant shall pay any outstanding invoices of the Planning Board's consultants incurred in connection with reviewing and processing the Applications related to the Modified Project.
 5. The Applicant shall post any financial guarantees required by the NYSDOT for highway improvements required for the Modified Project.
- C. Except as noted below, the Applicant must satisfy the following conditions prior to issuance of each Certificate of Occupancy ("CO") in any phase:
1. Pursuant to Section 121-68(C) of the Zoning Code, the Applicant shall file a set of as-built plans for the improvement to be covered by the CO with the Code Enforcement Officer indicating any deviations from the approved Site Plan addressed through the Field Change Protocol.

2. Before the issuance of the CO for the Sales Center, the Applicant shall construct the gun safety wall along the border of the Amenia Fish & Game Club property as approved on the final Site Plan (or, in the alternative, a CO shall be obtained for an underground shooting range constructed at the Club property).
3. Pursuant to Section 121-68 of the Zoning Code, the Code Enforcement Officer shall make a finding that the improvement to be covered by the CO, as built, complies in all material respects with the approved Site Plans.
4. A CO for an individual lot will be granted after all erosion controls and drainage measures required for that lot have been completed to the Town's satisfaction.
5. Prior to the issuance of a CO for each Estate Home, the Applicant shall provide proof to the Code Enforcement Officer that the Design Standard for Estate Homes contained in the Amended MDP have been complied with.
6. The Applicant shall obtain an Operating Permit from the Town of Amenia pursuant to Section 63-10 of the Town Code for any building containing one or more areas of public assembly with an occupant load of 100 persons or more, including, without limitation, the Family Activity Barn and the Clubhouse.
7. Prior to the issuance of the first CO for the Modified Project, the Applicant shall provide a copy of the recorded deed covenant for the permanent storm water controls on the Modified Project Site as required by NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity GP-0-15-002.
8. Prior to the issuance of the first CO for the Modified Project, the Applicant shall provide a Well Decommissioning Map to the Code Enforcement Officer and the Planning Board showing all wells to be decommissioned on the Modified Project Site. The Applicant shall also provide proof that all such wells have been decommissioned in accordance with all applicable laws.
9. Prior to the issuance of the first CO for the Modified Project, the Applicant shall provide follow-up documentation for any well selected for potable water supply that is flagged as needing additional testing or treatment in the "Groundwater Exploration and Pumping Test Program," prepared by LBG, dated August 2014.
10. Prior to the issuance of the first CO for the Modified Project, the facilities of the Silo Ridge Sewage Works Corporation and Silo Ridge Water Works corporation must be inspected by a licensed professional engineer retained by the Town, at the Applicant's expense.
11. The Applicant shall pay any outstanding invoices of the Planning Board's consultants incurred in connection with reviewing and processing the Applications related to the Modified Project.

- D. The Applicant shall comply with the following conditions which shall be ongoing throughout the term of this site plan approval. Ongoing compliance shall remain a condition of continued approval.
1. The Applicant shall implement all conditions and mitigation measures contained in the 2015 Amended SEQRA Findings for the Modified Project. These conditions and mitigation measures are incorporated by reference into this approval.
 2. The Applicant shall comply at all times with: (a) the Preliminary Subdivision Approval for the Modified Project as issued by the Planning Board on July 29, 2015; and (b) any Final Subdivision Approval for the Modified Project as issued by the Planning Board.
 3. The Applicant shall comply at all times with the Special Permit approval (dated July 29, 2015) allowing the golf maintenance facility, golf course improvements and the WWTP for the Modified Project to be located on the HVLC Property in the OC Zoning District.
 4. The Applicant shall comply at all times with the Special Permit approval (dated July 29, 2015) allowing greater than 500 pounds of fertilizers and pesticides/herbicides to be stored at the golf maintenance facility in the AQD pursuant to Section 121-15(E)(1) of the Zoning Code
 5. The Applicant shall obtain the acceptance of the Offering Plan of the master homeowners' association for the Modified Project by the New York State Attorney General – Real Estate Finance Bureau. The Applicant shall provide a copy of such acceptance to the Planning Board.
 6. The Applicant shall comply, at all times, with the third-party inspector protocol prepared by Rohde, Soyka & Andrews, dated June 23, 2015.
 7. The Applicant shall comply with the final Field Change Protocol as approved by the Planning Board for the Modified Project.
 8. Before conducting any blasting operations related to the Modified Project, the Applicant shall submit a blasting plan to the building inspector for review and approval. The plan shall contain any items required by the building inspector and shall detail how blasting operations will be conducted and how workers and nearby property will be protected during blasting operations. Any blasting operations shall comply with all applicable laws.
 9. The Applicant shall obtain a demolition permit for the existing golf maintenance building and any other structures on the Modified Project Site to be demolished. Prior to the issuance of the demolition permits for these structures, the Applicant shall provide the following to the building inspector: (1) an asbestos survey for each building and proof that all asbestos has been properly removed from the building by a

qualified contractor in accordance with all applicable laws; and (2) proof that all above-ground fuel storage tanks ("ASTs") or underground storage tanks ("USTs") have been removed in accordance with NYSDEC standards.

10. The Applicant shall implement its proposed lighting curfew by switching off all lighting including, but not limited to, all landscape, decorative and facade lighting by 11pm on Monday through Thursday and by 1 am on Friday, Saturday and Sunday.
11. The Applicant shall obtain and maintain accreditation under the Audubon International Signature Program for the golf course. Evidence of accreditation shall be submitted to the Town annually.
12. The Applicant shall implement the Archeological Avoidance Monitoring and Unanticipated Discovery Plan ("UDP") for the Silo Ridge Field Club prepared by VHB, dated August 2014, and shall comply with the following: (a) the Applicant shall not undertake any soil disturbance work in the Site-82 Cultural Resource Avoidance Area or its 25' buffer area as depicted on the approved site plan without further approval from the Planning Board; (b) soil disturbance work is allowed 100' outside of the 25' buffer area but only if an archaeological monitor is present as outlined in the UDP; (c) on the west side of Site-82, an area has been defined that was not subjected to Phase IIB shovel testing. If soil disturbance is proposed in this area, then Phase IB shovel testing shall be completed and the results reported to the Planning Board and NYSHPO for their approval before the work can proceed.
13. The Applicant shall maintain, in perpetuity, the landscaping used for visual mitigation as shown on the final Site Plans and located: (a) in front of the golf maintenance building and WWTP; (b) on the north and west end of Snowy Owl Court; and (c) on the north end of the Village Green.
14. The Applicant shall implement and comply with the Habitat Management Plan for the Silo Ridge Field Club prepared by VHB, dated March 3, 2014 (last revised June 2015).
15. The Applicant shall implement and comply with the Natural Resource Management Plan ("NRMP") for the Silo Ridge Field Club prepared by VHB, dated March 3, 2014 (last revised June 5, 2015). Any amendment to the NRMP shall require Planning Board review and approval.
16. The Applicant shall submit annually to the Planning Board a report on the use of pesticides and fertilizers, irrigation water, water quality monitoring, and other management methods agreed to in the NRMP.
17. The Applicant shall implement and comply with the sediment and erosion controls set forth in the SWPPP.
18. The Applicant shall implement all recommendations contained in the following geotechnical reports, including without limitation, any recommendations for soil

disturbance and building on steep slopes: (a) Geotechnical Report prepared by TransTech Engineering Services, P.C. dated October 14, 2013; and (b) Geotechnical Summary Report prepared by QCQA Labs dated June 26, 2015.

19. All tree cutting and removal on the Modified Project Site may only be conducted during the winter months (between November 1 and March 1) to afford protections to wildlife species and their possible habitat (including endangered Indiana Bats and Northern Long-Eared Bats) unless otherwise specified by US Fish & Wildlife Service.
20. The Applicant shall comply with its Agreement with Dutchess County, dated February 12, 2014, which sets forth that the Applicant will provide landscape screening on property owned by the County, more particularly described as Tax Map ID No. 132000-7067-00-913117-0000.
21. The Applicant shall submit to the Town copies of all permits, approvals, registrations and renewals for all ASTs on the Modified Project Site including, without limitation, all ASTs at the golf maintenance facility and WWTP.
22. The Applicant shall apply to the NYSDOT for permission to remove all vegetation (including trees and brush) along Route 44 on DeLavernne Hill as depicted on the final Site Plan to ensure open views from this important vantage point, and remove such vegetation if permission is granted. This shall be an on-going condition.
23. The Artisan's Park Overlook shall be open to the public pursuant to a public access easement acceptable to the Town Board. The Applicant shall properly operate, maintain and repair the Artisan's Park Overlook improvements, in perpetuity, as shown on the final Site Plan, in accordance with the public access easement.
24. The Applicant shall maintain a regular shuttle bus or car service to transport residents, guests and employees between the Modified Project Site and the hamlets of Amenia and Wassaic and the Metro-North Wassaic train terminal.
25. The Applicant shall maintain a regular shuttle bus or car service to transport employees between the employee parking lot at the golf maintenance facility and the Village Green.
26. Within 2 years from the date of this approval, the Applicant shall repair the interior spalling and exterior cracking of the two concrete Silos located on the Modified Project Site. The repairs shall be carried out in accordance with the recommendations contained in the Silo Conditions Inspection Report, Silo Ridge Golf Course, prepared by Rennia Engineering Design, PLLC (August 2014). The Applicant shall provide proof to the Planning Board that this condition has been satisfied.
27. The Applicant shall not conduct any soil disturbance work in the area of the septic field of the former golf maintenance facility. If any such work is proposed, the Applicant shall conduct a Phase II Environmental Site Assessment of this area before conducting any such work and implement any recommendations of the Phase II report in accordance with all applicable laws.

28. The Applicant shall obtain further amended site plan approval for any additional signs used on the Modified Project Site.
29. If waste material is encountered during construction of the Modified Project, particularly in the OC District on or near the HVLC Property or the Town of Amenia Landfill, the Applicant shall stop all work in the area where the waste material was encountered and shall immediately notify the Town and NYSDEC. If such material is encountered, the Applicant shall also prepare an appropriate Waste Management Plan detailing how the waste material will be handled. This plan shall be approved by the Planning Board.
30. In accordance with Section 121-15(I) of the Zoning Code, in the event of any discharge of a hazardous substance, solid waste, hazardous waste or petroleum product on the Modified Project Site, the Applicant shall notify the Town Clerk of such discharge within 24 hours of the time of discovery of the discharge. This condition shall not absolve the Applicant from making other notifications as required by federal, State and local law.
31. Pursuant to New York General Municipal Law § 209-u, the Applicant shall file a report annually with the Chief of the Amenia Fire Department describing all hazardous materials stored on the Modified Project Site on the form specified in GML § 209-u or as otherwise required by the State Fire Administrator.
32. The Applicant shall provide all emergency service providers (state police, county sheriff, fire departments, ambulance providers, etc.) with access cards/keys/key codes to all gates on the Modified Project Site.
33. Only architectural styles for the Golf Villas, South Lawn homes, and Village Green buildings approved as part of the Amended MDP and Site Plan shall be built.
34. No habitable structures or enclosed buildings shall be built on Lots E-8, E-9, E-10 and E-11 within the 200 feet sanitary radius for potable Well #11 and Well #33.
35. No habitable structures or enclosed buildings shall be built on lots VG-25, VG-26, VG-27 and E-57 within the 200 feet sanitary radius for potable Well #12.
36. As required by Section 121-40(E)(4) of the Zoning Code, during construction, there shall be no measurable emission of dust or other particulate matter.
37. In consultation with the NYSDOT, the Applicant shall be re-evaluate the following promptly after each respective phase of development and shall submit documentation to the Planning Board demonstrating that such evaluation has occurred:
 - a. Re-evaluation of the intersection at US Route 44 at NYS Route 22 (hamlet of Amenia) with NYSDOT oversight after project completion and signal timing changes implemented, if required based upon the NYSDOT input.

- b. Re-evaluation of the intersection of NYS Route 22 and Lake Amenia Drive and Dunn Road (DC Route 81) in conjunction with input from NYSDOT after project completion.
 - c. Re-evaluation of the intersection of NYS Route 22 and the existing main entrance for the need for a NYS Route 22 southbound right-turn lane at the main entrance in conjunction with NYSDOT after completion of Phase 1 of the Modified Project.
 - d. Re-evaluation of the intersection of NYS Route 22 and the existing main site driveway to determine the need for a signal in conjunction with NYSDOT upon completion of each phase of the Modified Project.
 - e. Re-evaluation of the intersection of US Route 44 at Winery Restaurant upon project completion in conjunction with input from NYSDOT.
 - f. Re-evaluation of the intersection of NYS Route 22 at Existing Southern Site Access on HVLC Property in conjunction with NYSDOT upon project completion.
38. Parking shall occur only in parking spaces depicted on the approved Site Plan.
39. The Town may enforce any requirements of law related to or conditions of these approvals against the Applicant and HVLC, their successors and assigns, as the property owners.
40. If any inconsistencies exist between the approved Site Plan and other approvals issued by the Planning Board for the Modified Project, the Site Plan shall control.

BE IT FURTHER RESOLVED, that the Planning Board hereby authorizes the Planning Board Chairperson to stamp and sign the Site Plan upon the Applicant's compliance with all applicable conditions; and

BE IT FURTHER RESOLVED, that if any condition or part of this approval resolution is annulled by a court of competent jurisdiction, the remainder ~~remaining parts~~ of this approval resolution shall remain in full force and effect; and

BE IT FURTHER RESOLVED, that the Planning Board reserves the right to revoke this approval after a hearing if it determines that as a result of such annulment by a court of competent jurisdiction, the Modified Project ~~it~~ no longer complies with Town's Subdivision Law and/or Zoning Law; and

BE IT FURTHER RESOLVED, any amendments to the approved Site Plans not authorized by this resolution shall require the Applicant to file an application with the Planning Board for a site plan amendment in accordance with Section 121-68(B) of the Zoning Code; and

BE IT FURTHER RESOLVED, that in accordance with Section 121-68(E) of the Town's Zoning Code: (1) this site plan approval shall expire if the Applicant fails to commence construction, to obtain the necessary building permit(s), or fails to comply with the conditions of this approval that are capable of being complied with within 18 months of its issuance, or if the any Special Permits for the Modified Project expire. The Planning Board may grant a one-time six-month extension of this approval. This site plan approval may be revoked by the Planning Board if the Applicant violates the approval or its conditions or engages in any construction or alteration not authorized by this approval, and any violation of this approval or its conditions shall be deemed a violation of the Zoning Code and shall be subject to enforcement action by the Town; and

BE IT FURTHER RESOLVED, that within five (5) days of the date of this resolution, a copy of this resolution and the Site Plan shall be filed in the office of the Town of Amenia Town Clerk, and a copy of this resolution shall be mailed to the Applicant within the same five (5) day period; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

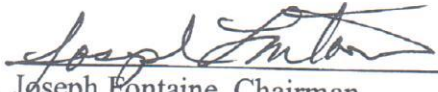
Motion By: Peter Clair

Second By: JOHN Stefanopoulos

The foregoing resolution was voted upon with all members of the Planning Board voting and signing as follows:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>	<u>Signature</u>
Joseph Fontaine, Chairman	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u>[Signature]</u>
Peter Clair	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u>[Signature]</u>
John Stefanopoulos	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u>[Signature]</u>
Nathan Roy	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u>[Signature]</u>
Anthony Robustelli	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u>[Signature]</u>
Erich McEnroe	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u>[Signature]</u>
Bill Kroeger	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>	<u> </u>

Dated: July __, 2015
Amenia, New York

A handwritten signature in dark ink, appearing to read "Joseph Fontaine", written over a horizontal line.

Joseph Fontaine, Chairman
Town of Amenia Planning Board